

SERIAL NO. 09/734,637

ATTORNEY DOCKET NO.: HCC-9 (306\*141)

(b) a deposition agent or drift reducing agent comprising a polyacrylamide polymer and  
(c) an oil thickener which is silicon based,

wherein said component (b) is present in an amount from 0.5 to 50% by weight based on the total weight of the composition with the proviso that there is less than 10% water present in the composition.

50. The composition as claimed in claim 48, which further comprises a pesticide.

51. A homogenous liquid composition comprising

(a) at least one oil,  
(b) a polymeric deposition agent and  
(c) an oil thickener which is silicon based,

wherein said component (b) is present in an amount from 0.5 to 50% by weight based on the total weight of the composition and with the proviso that the polymeric deposition agent is not a polyacrylamide polymer and with the proviso that there is less than 10% water present in the composition.

See the Appendix for the changes. The terms underlined were added to the claim and the terms bracketed were canceled from the claims.

#### REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. Support for amended claims 29, 47 and 51 for the range of 0.5 to 50% for the deposition agent can be found in the specification at page 8, line 30. The applicants have amended claims 40 and 50 so that they do not depend upon cancelled claims. The applicants appreciate that the Examiner has acknowledged that claims 42-46 are allowed.

Claims 29, 31 through 35, 38, 47, 48 and 51 were rejected under 35 U.S.C. § 102(b) as being anticipated by Arranaga U.S. Patent No. 5,045,588 (hereinafter referred to as "Arranaga").

Claims 37, 40, 41 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arranaga in view of Martin U.S. Patent No. 5,466,458 (hereinafter referred to as "Martin").

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Claims 31 through 35, 40, 41 and 50 were rejected under 35 U.S.C. § 112, second paragraph. To the extent the amendments do not overcome these rejections, the applicants respectfully traverse these rejections.

Rejection Over Arranaga

Claims 29, 31 through 35, 38, 47, 48 and 51 were rejected under 35 U.S.C. § 102(b) as being anticipated by Arranaga. Claims 37, 40, 41 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arranaga in view of Martin. The only three independent claims rejected over Arranaga alone or in view of Martin are claims 29, 47 and 51.

The applicants previously argued that the Applicants' independent claims 29, 47 and 51 require that the homogenous liquid composition contains an oil thickener which is silicon based. As the Examiner has correctly stated, Arranaga defines organic derivative of clay as dimethylbenzyloctadecyl ammonium hectorite (col. 1, lines 45-58). The Merck Index defines hectorite as  $\text{Na}_{0.67}(\text{MgLi})_6\text{Si}_8\text{O}_{20}(\text{OH},\text{F})_4$ . At the time of filing the previous response that applicants incorrectly assumed the hectorite did not contain silicon. The applicants have recently verified that hectorite does in fact contain Si.

Arranaga uses as the aliphatic hydrocarbon liquid, kerosene, in examples 2 and 4. The applicants claim that the deposition agent or drift reducing agent is present in an amount from 0.5 to 50%. Examples 2 and 4 of Arranaga use both a polymer (polyacrylamide polymer in example 2 and polyethylene oxide polymer in example 4) and kerosene as the deposition aids in an amount greater than 80%. Example 2 has at least  $45\% + 39\% = 84\%$  as a minimum and Example 4 has at least  $25\% + 58\% = 83\%$  as a minimum. Therefore, Arranaga teaches away from the Applicants' claimed invention. For the above reasons, these rejections should be withdrawn.

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**Section 112 Rejection**

Claims 31 through 35, 40, 41 and 50 were rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended these claims and believe that these claims, as amended, are in compliance with 35 U.S.C. § 112, second paragraph. None of the claims now depend upon a cancelled claim. For the above reasons, this rejection should be withdrawn.

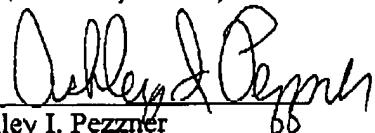
**Applicants respectfully request a copy of the Examiner-initialed copy of Information Disclosure Statement, PTO -1449, Paper No. 9, mailed November 6, 2002. A copy of the same was inadvertently not provided with the last office action Paper No. 10.**

No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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APPENDIX I

29. A homogenous liquid composition consisting essentially of

- (a) at least one oil,
- (b) at least one deposition or drift reducing agent and
- (c) an oil thickener which is silicon based

wherein said component (b) is present in an amount from 0.5 to 50% by weight  
based on the total weight of the composition.

40. The composition as claimed in claim [39]35, which further consists essentially of a pesticide.

47. A homogenous liquid composition comprising

- (a) at least one oil,
- (b) a deposition agent or drift reducing agent comprising a polyacrylamide polymer and
- (c) an oil thickener which is silicon based,

wherein said component (b) is present in an amount from 0.5 to 50% by weight  
based on the total weight of the composition with the proviso that there is less than 10% water present in the composition.

50. The composition as claimed in claim [49] 48, which further comprises a pesticide.

51. A homogenous liquid composition comprising

- (a) at least one oil,
- (b) a polymeric deposition agent and
- (c) an oil thickener which is silicon based,

wherein said component (b) is present in an amount from 0.5 to 50% by weight  
based on the total weight of the composition and with the proviso that the polymeric deposition agent is not a polyacrylamide polymer and with the proviso that there is less than 10% water present in the composition.